

Jury Weeps as Wendenburg Says Final Word for State

principles of sophistry how this man could have committed that crime. I say that a man who murders his wife is not only a murderer, but a fool. It is an act of folly to commit such a deed.

Defends Law's Officers.
"Whenever an atrocious crime is committed in our midst, probably the first thing is that the community recoils in shock. But once the machinery of the law is set in motion by officers of the Commonwealth—your officers, gentlemen, and mine, who have denuded the community of the defense—the community awakens to the foulness of the deed, and asks that the perpetrator be found. It would not be proper for me to criticize my adversaries, for when I have had a weak case to defend I have done the same thing myself in order to divert the minds of the jury from the point at issue.

"But you people owe these officers of the law a debt of gratitude in ferreting out the criminal. You owe a debt of gratitude to Mr. Snyder, deputy sheriff of Henrico county, and to Geo. Jarrell, an officer of your own county. And you owe such a debt to all these detectives who have interested themselves and worked on this case to find the culprit.

"There are two theories in this case. One has been put forward by the defense, that is that the man who has been described as a shaggy, gray-bearded man was the perpetrator of this deed, and the other is that the defendant was the author of the crime. The court instructs you that the circumstantial evidence must be of such preponderance as to leave no doubt in your minds. The evidence must be of such a nature as to be incompatible with any reasonable hypothesis other than that of the guilt of the accused. If there be any reasonable doubt, it is your duty to acquit the defendant. He starts out with the presumption of innocence, and these are the principles of law.

The Crime Itself Is There.
"They have drawn into this case the question as to whether the gun was thrown out of the machine or whether it bounced out. That makes no difference," he laughed. "The crime had been committed, and this was the gun with which it was done. What difference does it make as to whether the gun was thrown out or whether it fell out?" He diverged a few moments to take up and explain those sections of the instructions which relate particularly to reasonable doubt as they bore upon the case.

"And now," he said, "the difference does it make whether Paul Beattie did it? I must confess that I was amused when my learned friend, Mr. Carter, suggested the question as to whether the prosecution did not look for that scruffy, gray-bearded man. I wonder, if Mr. Beattie had placed \$10,000 in his hands and asked him to get the best detectives he could find to find that stranger, if he wouldn't have said, 'What do you take me for a fool? I wouldn't spend 10 cents to look for such a man.'

"And how does the defendant account for the crime, but by faking up a story to fit the details? Now let us see what he has done. Let's see what when that old war-horse, who has been in the business for thirty years, has testified. Mr. Wendenburg went to Beattie, telling the detectives that he stopped his machine in order not to run over the man who jumped at him, he claimed, from the bushes.

Where Fool Part Came In.
"Why, gentlemen of the jury," Mr. Wendenburg exclaimed, "the forger the glass in front of his machine. He forgot that the machine could not have fired the shot as to inflict such a wound as has been described to you. That is where the fool part came in." Mr. Wendenburg then went over, in brief, the testimony of George Jarrell, which showed that the story as told by Beattie was not fixed in his own mind because he was fabricating a story.

"And what does Deputy Snyder say? That Beattie told him the man fired right over his shoulder and struck his wife full in the face. Mr. Snyder didn't know then where she had been struck, and Beattie said that the man fired from the right; that the man was to the right of the machine and fired over his shoulder. Later on what happens? He describes the attack to Squire Jacob, a man who has almost as much authority as a judge, and he tells him that when the man fired he fired over his head. These statements were made to different people at different times. Then what of them? Which shall you believe?"

Showed It Was False.
"When we examined the car some one got in the left seat, and I got in front, in the position occupied by the bearded stranger, and I said, 'Mr. Beattie, don't you see that your wife could not have been shot in this way?' And he agreed with me. Gentlemen, would you want any more evidence than that? His statement alone was sufficient to demonstrate that his fabrication was false.

"I wonder, sometimes, whether my good friend, Mr. Carter, wears magnifying glasses. If he does, I bet they magnify to 500 times the diameter. He has illustrated to you how that shot was fired, how Beattie leaned over and released the clutch and showed how the car plunged forward. Beattie said that the man never intended shooting his wife. Why, her head was eighteen inches higher than her husband's, and the shot, fired from such a position by a man standing on the ground, would have entered her body, not her head. Ah, gentlemen, the fabrication he has told you was built on sand, and has no foundation.

Like Sword of Nemesis.
"Every piece of evidence in this case leads to one destination. The fingers all point to but one point—that Henry Clay Beattie, Jr., was the murderer of his wife. The gun he can't explain. He can't get away from it and it hangs over his head like the sword of Nemesis. All that is required of us is to prove that Henry Clay Beattie, Jr., murdered his wife, but we have gone further and laid all the facts in the case before you. His story about the deep damnation of this woman's taking off is necessarily false. And what have we? We have the dead body of his wife and the gun, the gun which he can't get away from. He had to account for that gun, and he tells you of a big, bearded highwayman, a giant, who fired the shot, and of how he, a mere stripling, goes up and wrests that gun away from the giant, not knowing whether he had a double-barreled shotgun and whether he would have given him the other load. And he tells you that in the struggle he falls down and the gun falls on

THE HEARTBROKEN FATHER



HENRY C. BEATTIE, SR.
(Photo by Homeier & Clark.)

him. And he wants you to believe that the man, this big giant, stands there and looks at him and then walks away.

"Some philosopher has said that 'unbounded credulity is evidence of a weak mind.' And so I say, give me unbounded credulity, and I will show you a weak mind. Can you believe his story? He shows a scratch on his nose, and wouldn't any man have taken out his handkerchief and wiped it off? But he lets it remain—that little scratch—to bear out his story that he was struck with the gun.

Mute Bits in Court.
"Mr. Sheriff, will you bring me those clothes, those mute bits of testimony which the defense did not dare bring before the jury?"

The sheriff brought in the bloody garments.
Mr. Wendenburg slowly drew a soiled and bloody shirt from the cardboard box. "These show you," he said, "haunting the shirt before the jury, that he pitched his wife in the car and laid her across the seats. When he was near home the body slipped down into the bottom of the car, and so he brought her home." He read from Detective Wiltshire's testimony,

which related how Beattie had told the officer that he placed his arm around his wife's waist, and ran the car in with his right hand. This the lawyer showed to have been impossible, because there was no blood on the left sleeve of the shirt. And in like manner he went over the testimony of George Jarrell.

Witness Against Him.
"Is his story a fact or not?" he asked the jury. "If the shot was fired as he described, he would have held her as he said, as any man would have supported the body of his wife after an ounce or an ounce and a half of lead had entered her head. But that never happened. He never had his coat on. When he stopped to fix the lights on his car he when back to the rear and got matches out of his coat. And here is a witness—this shirt"—and he held it up high, so that all could see—that can never commit perjury. It shows that his arm never encircled a bloody woman's waist. And here is the coat. This sleeve never went around her waist. No bloody woman's bloody head rested upon that shoulder. It is but a story, a part of the fabrication he has built up to tell you. Do you want any more evidence than that?"

"And yet Mr. Carter wants you to

look for a bearded stranger. Why, when the people read the papers the next morning, every farmer in Chesterfield ran for his razor to shave off his beard." People laughed, and again Judge Watson warned them that if they showed approval or disapproval he would have to clear the courtroom.

"This shirt, went on the attorney, sober-minded now, 'shows that this man sat upon that dead body in order to keep it from falling out and to get it home, for fear that somebody else might come along and catch him with the body.'

Cheapest Murder Yet.
"And they ask you why, if he be the guilty man, he did not get Douglas Beattie's pistol. He dared not tell his brother that he contemplated his wife's murder. He dared not tell his brother that he had murdered his wife. He wouldn't want Douglas to know it. He wouldn't want Douglas to know it. He wouldn't have used a revolver, because he knew he couldn't tell, with reason, that he wrested a pistol with five other cartridges in it from a bearded highwayman, and that is why he got a single barreled shotgun.

"This is the cheapest murder I have ever heard of. It has an element of cheapness about it. They tell you that he bought a pound of candy for his wife before the slaughter, and the evidence is that he bought only 15 cents' worth. But he gives Paul \$4 with which to buy a gun, and he buys 5 cents' worth of cartridges.

"And the evidence of Mrs. Owen, that poor girl's mother, is that when he took them out riding he was always neatly dressed. But this time he wore a shabby suit. Look at its date, gentlemen, and he held it up and looked at the date of manufacture. 'It was made in 1908. No reason explains why he wore this shabby suit except that he knew he was going through a bloody transaction, to send a woman to eternity rejoicing.'

Quotes Story to Jury.
"Counsel for the defense told you two stories, and I will tell you one. There was a man who went below, and after awhile his friend went below and saw him hobbling around on one foot. He said, 'John, why are you hobbling around on one foot like that?' 'Well, I saw you last year had both feet get into Heaven and that they asked him what God he had done here on earth. He told them that he met a woman in the woods one day, and that she was ill with fever. She asked him to get her a cup of water, but he lead had entered her head. And then he hurries, and didn't have time. And then this poor, fever-stricken woman asked him to give her a loaf of bread nearby, because she was too weak to reach and get it. And John said that he kicked it to her with his right foot, and so he sent his right foot to Heaven.

"I wonder how much of this man will go to Heaven, and how much of him will go below. Isn't that enough to destroy his story? God has given us means to procure evidence. That great power which moves all things appealed to the conscience of Paul, and made him reveal all he knew.

Puddle of Blood.
"In circumstantial evidence there is always one fact that convicts the perpetrator of the crime. In the road there was that puddle of blood, and from its silence was revealed by God the secret of this horrible crime. And now Heaven, by slow and solemn steps, is about to bring down terrible vengeance for the taking of the life of that unprotected wife. God asked Cain after he murdered Abel where his brother was, and he answered, 'Am I my brother's keeper?'

And God said to him that his brother's blood cried out to Him from the ground, and now thou art vanished from the earth." And now He says to Henry Beattie, 'Thy wife's blood cries to Me from the ground, and thou wilt be vanished from the earth which has drunk up thy wife's blood.'

"Gentlemen, that blood was made by a human being. That car never bled. And she was never killed in the automobile. If she had been killed in the automobile, there would have been a stream of blood along the road, but there was not a spot outside of that big puddle. If she was killed in the road, then he has told you a false hood. It has been in evidence that the blood could have run down the gasoline tank. But in the center of the car there is a wheel, and it has a hand about it. And you remember that the streaks of blood went down the wheel, that they did not go down the tank. There was no blood in the dustpan. Blood went only down that band.

Beard Still Growing.
"He tells you that he didn't know that his wife was dead; that he thought her back was broken, and he hurried home to get a doctor. And

yet he stops on the road to fix his lights. But when he goes looking for the gun and the lights go out, he says 'to h—l with the lights.' Do you want any more evidence than that? They say that the burden all rests on Paul. Would you think so? 'Thank God, no scruffy farmer came along and picked up that gun. He threw it out in the highway of tramps, hoping that some tramp would pick it up. And when Tom Owen said that if he had a beard he must have been a white man, Henry said, 'Oh, I didn't think of that.' And then the beard began to appear, and it has been growing ever since. And when the hat was found Henry said that he hoped to God it had a name in it. Why did he want them to find a name in that hat?"

"Gentlemen, the physical facts in this case show that his story is untrue. He lured his wife out on that lonely road and murdered her. Can you doubt Dr. Mann, who felt the grit in her hair, and Squire Jacob, who saw grit in her hair? When he knocked her down, she fell and was slain in the road. All the physical facts demonstrate that his story is untrue," and Mr. Wendenburg showed by il-

VICTIM OF FOUL MURDER



MRS. HENRY CLAY BEATTIE, JR.
(Copyright by W. W. Foster.)

lustration with the gun how Mrs. Beattie could not have been shot in the manner she was shot unless the gun had been on a level with her head. He took the gun apart into three pieces easily, and said, 'Poor little Jakey couldn't take it apart. And yet I reckon he has handled more guns than all of us put together.'

Gun the Real Clue.
"The hottest part of the case is the gun, and you remember how the defense dropped it. It was too hot for them to hold. How did the gun get there? Henry says that the assassin intended to kill him. Do you believe that this man would have stopped after killing the wrong person? How did the shaggy-bearded man know that Henry would be out there that night in a shabby suit of clothes? He says he didn't know himself, that it was on the suggestion of his wife that he took the spin. But how did the gun get there? How did this shaggy stranger get there?"

"Snyder says that between sunset and daylight dawn he saw a machine like this one of Henry Beattie's standing in the road, and the young man he saw had on tan shoes and tan socks. He said the young man was without a mustache, and that he looked like this man," pointing at the prisoner.

"Now some young man did a peculiar thing. He was afraid to go past that store. Then he came back and stopped at the very scene of the crime. Have you, gentlemen, any doubt that it was the prisoner there with some sinister purpose? And he pointed at the cowering Henry.

"And yet the prisoner tells you that he was somewhere on the road fixing a puncture. According to his own testimony, he was on the pike at that time. Why do they try to move the time up always? What is the reason for it? Snyder says that he saw no other car on the pike at that time, and Beattie concedes that he was on the pike at that time. The natural conclusion is that it was Henry O. Beattie, Jr., there and then.

"Now, there is some other evidence that is in some confusion. Either those boys coming back from Bon Air made a great mistake, or Paul made a great mistake. Charles Kastelberg's car was on the pike that evening, and it is shown that his car was not on the road at the time. Paul had evidently read it in the paper and got it fixed in his mind. This crime occurred about a quarter of 11, and these boys say that this is the kind of car they saw. Some say that the car was a quarter of a mile from the store described, but Kastelberg's car was more than a mile away. They saw a woman who did not have a hat on, and Mrs. Beattie did not have a hat on. They saw a rain coat, and Charles Kastelberg's car was in a white dress and a mushroom hat. And they say it was a Buick car. Henry's car is a Buick car. And when they saw her she was on the running board, the act of stepping down to the door.

Nothing to Equal This Crime.
"This is the greatest crime and the worst under the roof of Heaven. The young man, gentlemen, has bound band of blood around his name so the generations will slow" go by it up. It is blotted out from memory. The dark and bloody annals of the past have nothing to equal this crime.

"But let us hurry on. Can there any doubt that this is the gun? And Jarrell said that they saw blood on the gun, and the defense took it position at first that there was blood at all on the gun. But the saw that that wouldn't do, and the asked if blood was not on the steering wheel, and if it were not possible the blood to have come from the steering wheel on Douglas Beattie's hand. Well, how did the blood get there? My good friend, Mr. Smith, said 'Henry had blood on his nose, and Tom Owen tells you that the blood was not sufficient to trickle down cheeks. But anything to get the damaging blood off the gun! It could not have come from the bearded Henry wayman.'

"I believe in a God above us, in a God who controls us all. It was but a trial that Paul Beattie should be tried to hide the dread secret in breast. But the whips and lashes his conscience awakened him, and unboomed himself to his wife, and told her that he had bought Henry's gun, and that he believed it was the same gun which had killed Henry's wife.

Paul's Fateful Words.
"And it nearly set him crazy. What did he do? He had been taught by a little fellow at school that he must not tell on the boys, but now he must unburden himself. He told his wife and she told her mother, who told her husband, and he gave the information to the police. Even then Paul didn't want to tell more. But there is invisible power somewhere, and same power made Paul tell the tale of that secret in his heart. He has nothing to fear. He knew he was innocent agent. But here he has been vilified, and the worst character has been attributed to him. But I tell Beattie that the God who made disclose that dreadful secret will after him. He has nothing to fear.

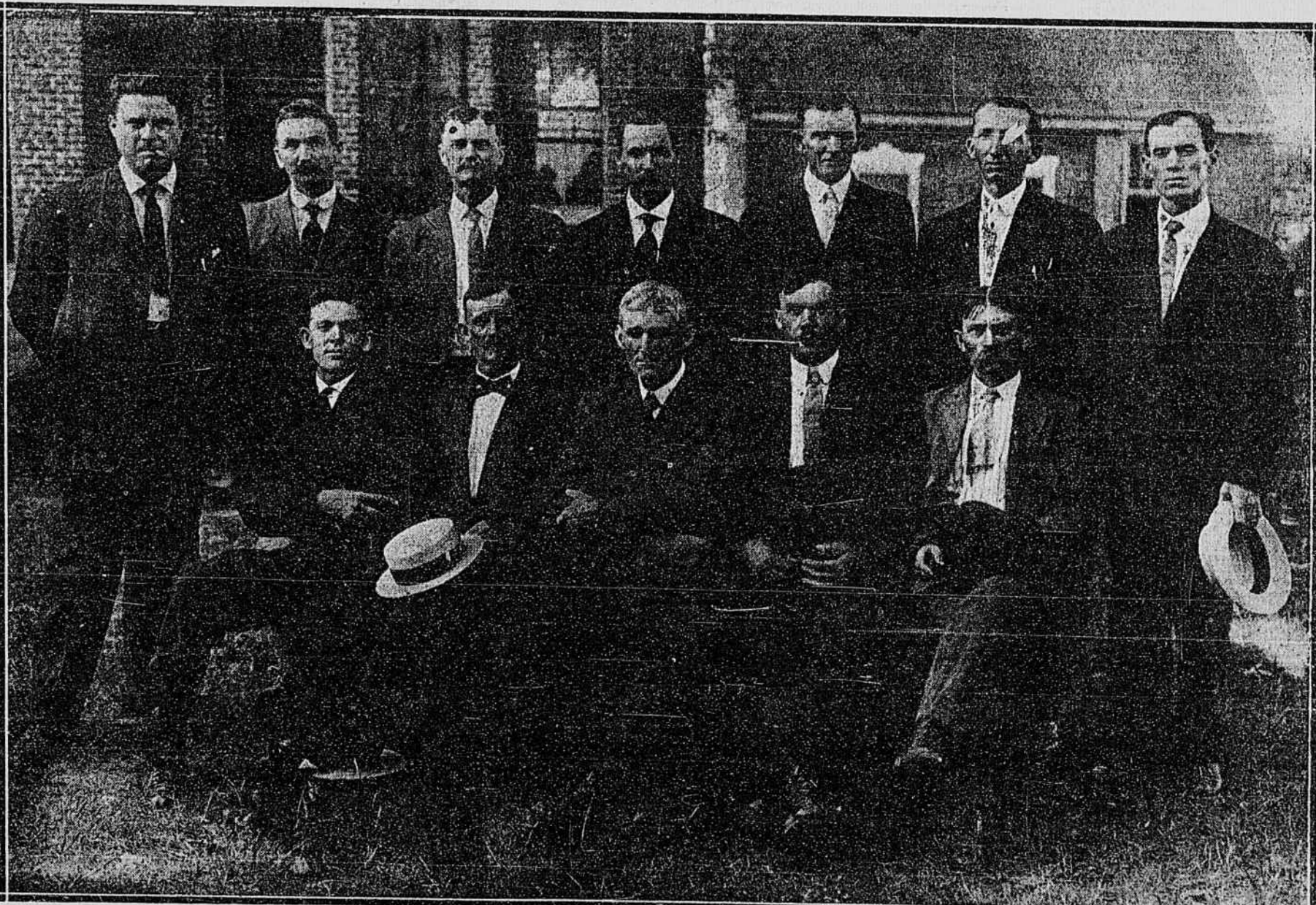
"And then they bring in Noble swear that Paul had a gun that day morning on May's Bridge, so fearful are they of his story before he was attacked, they moved witnesses to prove his character for veracity. And they ask me we didn't put that negro Walter stand. We couldn't put on summoned. And now I ask the jury, didn't put him on."

Mr. Wendenburg then went instructions as to what the jury consider regarding a motive crime, and called for the letter had passed from Henry to Beattie.

His First Glimpse of Her.
"Henry C. Beattie, Jr., he said, going up the street one day in 1907, and was accosted by a more instead of looking at her with desire as he did, he should helped her, this slipp of a chip if she had made a mistake young life. When a man gets into babies and robbing something must be wrong. He is influenced by the devil, then Mr. Wendenburg went on count the story of Henry and his life together.

"And all he went on with thing of duty in his way. He tired of his matrimonial alliance grew tired of the sweets of life, and he forsook his bride for a woman of virtue for passion's fee. A ministerial friend of mine that the dead of Henry VII. (land formed the greater escutcheon of England, that this crime of Henry

TWELVE CHESTERFIELD MEN WHO HAVE DECLARED HENRY C. BEATTIE GUILTY OF MURDERING HIS WIFE



Reading from left to right—Top row: M. E. Blankenship, E. L. Wilson, W. Q. Burgess, W. P. Hooks, Irving M. Bass, Jr., A. L. Fetterolf, N. W. Farley. Bottom row: Melville E. Purdy, Horace C. Robertson, Thomas A. Hancock, V. W. Fuqua, Lewis Robertson.
(Copyright, 1911, by W. W. Foster.)